

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT HITE)	Case Number
)	
)	
Plaintiff,)	
)	CIVIL COMPLAINT
vs.)	
)	
ACADEMY COLLECTION SERVICE,)	JURY TRIAL DEMANDED
INC.)	
)	
Defendant.		

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Robert Hite, by and through his undersigned counsel,
Warren & Vullings, LLP, complaining of Defendant and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, Robert Hite, (hereinafter “Plaintiff”), an individual consumer, brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337. Declaratory relief is available pursuant to 28 U.S.C §2201 and 2202.

3. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

4. Supplemental jurisdiction is conferred over Plaintiff's claims by 28 U.S.C. §1367(a).

III. PARTIES

5. Plaintiff is an adult individual and citizen of the State of Florida, residing at 1011 Exeter Avenue, Boca Raton, Florida.

6. Defendant, Academy Collection Service, Inc. ("Defendant"), at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the Commonwealth of Pennsylvania with its principal place of business located at 10965 Decatur Road, Philadelphia, PA 19154.

7. Defendant is engaged in the collection of debts from consumers using the mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

8. On or about July 27, 2007, Defendant began a bombardment of phone calls to be placed to the residence of Defendant in an attempt to collect an alleged debt due on a credit card.

9. Prior to July 27, 2007, Plaintiff's son was diagnosed with autism and Plaintiff relocated to Florida to be closer to the Marino Center for Autism; at great financial burden.

10. The agents of the Defendant began calls at 7:30am and ended after 9:00pm, calls came in eight (8) to twelve (12) times per day.

11. Plaintiff at first would answer the calls and attempt to tell the agent calling his specific circumstances.

12. An agent identified as “Rodney Dugan” indicated to Plaintiff to that he (agent) was an attorney and was filing a law suit.

13. The Plaintiff was called a dead beat.

14. The Plaintiff was told that by the defendant’s agent “I’ll see you in jail”.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

15. The above paragraphs are hereby incorporated herein by reference.

16. Defendant violated the FDCPA. Defendant’s violations include, but are not limited to the following:

a. 15 U.S.C. 1692e(10), in that Defendant used false representations or deceptive means to collect or attempt to collect the alleged debt as stated more clearly above.

b. 15 U.S.C. 1692e(11), in that Defendant failed to state in its initial telephone call or any subsequent calls or written communications that it was a debt collector attempting to collect a debt and that any information obtained would be used for that purpose.

c. 15 U.S.C. 1692d, in that Defendant engaged in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.

17. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief, pursuant to 73 P.S. § 201-9.2.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in her favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
- b. Actual damages in an amount of \$35,000.00;
- c. Statutory damages pursuant to 15 U.S.C. §1692k for each violation;
- d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;

and

e. Such addition and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: December 10, 2007

BY: /s/ Bruce K. Warren

Bruce K. Warren, Esquire

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